



DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-912]

Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2012-2013

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

SUMMARY: The Department of Commerce (“Department”) is amending the *Final Results*¹ of the administrative review of the antidumping duty order on certain new pneumatic off-the-road tires (“OTR Tires”) from the People’s Republic of China (“PRC”) to correct a ministerial error. The period of review (“POR”) is September 1, 2012, through August 31, 2013.

DATES: *Effective:* [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Andrew Medley, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202-482-4987.

SUPPLEMENTARY INFORMATION:

Background

¹ See *Certain New Pneumatic Off-the-Road Tires From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2012– 2013*, 80 FR 20197 (April 15, 2015) (“*Final Results*”) and accompanying Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, titled “Issues and Decision Memorandum for Final Results of Antidumping Duty Administrative Review: Certain New Pneumatic Off-the-Road Tires from the People’s Republic of China; 2012-2013” (“Issues and Decision Memorandum”).

On April 10, 2015, the Department disclosed to interested parties its calculations for the *Final Results*.² On April 15, 2015, we received a ministerial error allegation from Petitioners³ regarding the Department's margin calculation for Guizhou Tyre Co., Ltd./ Guizhou Tyre Import and Export Co., Ltd. (collectively, "GTC").⁴

Scope of the Order

The merchandise covered by this order includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.⁵

Ministerial Error

Section 751(h) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.224(f) define a "ministerial error" as an error "in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any similar type of unintentional error which the Secretary considers ministerial." We analyzed Petitioners' ministerial error comments and determined, in accordance with section 751(h) of the Act and 19 CFR

² See Memorandum, "2012-2013 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Disclosure of Calculations for Final Results," dated April 10, 2015.

³ Titan Tire Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (collectively, "Petitioners").

⁴ See Letter from the Petitioners to the Department, titled "Administrative Review of the Antidumping Duty Order on New Pneumatic Off-The-Road Tires from China (A-570-912): Petitioners' Clerical Error Comments, GTC," dated April 15, 2015. See also Memorandum to the File, titled "2012-2013 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Analysis of the Final Results Margin Calculation for Guizhou Tyre Co., Ltd.," dated April 8, 2015 ("GTC's Analysis Memorandum").

⁵ For a complete description of the scope of the order, see Issues and Decision Memorandum.

351.224(e), that we made a ministerial error in our calculation of GTC's margin for the *Final Results* by inadvertently neglecting to include two of GTC's inputs in the total material cost buildup for normal value.⁶

In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results*.⁷ The revised weighted-average dumping margins are detailed below.

Amended Final Results

As a result of correcting this ministerial error, we determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted Average Dumping Margin (percent)
Guizhou Tyre Co., Ltd. / Guizhou Tyre Import and Export Co., Ltd.	11.41
Zhongce Rubber Group Company Limited	11.41
Weihai Zhongwei Rubber Co., Ltd.	11.41
PRC-Wide Entity ⁸	105.31

Assessment Rates

The Department shall determine, and the U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries covered by this review pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b).⁹ The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

⁶ See GTC's Analysis Memorandum at Attachment I.

⁷ See Memorandum to Melissa G. Skinner, Director, AD/CVD Operations, Office III, titled "2012-2013 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Ministerial Error Allegation for the Final Results," dated concurrently with this notice.

⁸ The PRC-Wide Entity includes Double Coin Holdings Ltd. ("Double Coin").

⁹ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8103 (February 14, 2012) ("NME Antidumping Proceedings").

For customers or importers of GTC for which we do not have entered value, we calculated importer- (or customer-) specific antidumping duty assessment amounts based on the ratio of the total amount of dumping duties calculated for the examined sales of subject merchandise to the total sales quantity of those same sales.¹⁰ For customers or importers of GTC for which we received entered-value information, we have calculated importer- (or customer-) specific antidumping duty assessment rates based on importer- (or customer-) specific *ad valorem* rates.¹¹ For the non-examined separate rate companies, we will instruct CBP to liquidate all appropriate entries at 11.41 percent. For the PRC-wide entity, including Double Coin, we will instruct CBP to liquidate all appropriate entries at 105.31 percent.

Consistent with the Department's assessment practice in non-market economy cases,¹² for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the amended final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin identified in the "Amended Final Results" section; (2) for previously

¹⁰ See 19 CFR 351.212(b)(1).

¹¹ *Id.*

¹² See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

investigated or reviewed PRC and non-PRC exporters that are not under review in this segment of the proceeding but that received a separate rate in a previous segment, the cash deposit rate will continue to be the exporter-specific rate (or exporter-producer chain rate) published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 105.31 percent;¹³ and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. The cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is

¹³ In the "Cash Deposit Requirements" section of the *Final Results*, the Department inadvertently listed the PRC-wide cash deposit rate as 105.24 percent. The correct PRC-wide cash deposit rate is 105.31 percent.

subject to sanction.

Disclosure

We will disclose the calculations performed for these amended final results to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

These amended final results of review are issued and published in accordance with section 751(h) of the Tariff Act of 1930 Act and 19 CFR 351.224(f).

Dated: May 1, 2015.

Paul Piquado,
Assistant Secretary
for Enforcement and Compliance.

BILLING CODE 3510-DS-P

[FR Doc. 2015-11086 Filed: 5/6/2015 08:45 am; Publication Date: 5/7/2015]